

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:96-CR-70-BR

UNITED STATES OF AMERICA, )  
 )  
 v. ) ORDER  
 )  
DONALD WAYNE JONES )

This matter is before the court on defendant's motion for compassionate release under 18 U.S.C. § 3582(c)(1). (DE # 79.) The government filed a response in opposition. (DE # 89.) The government contends defendant's motion should be denied because defendant has not exhausted his administrative remedies, among other things. (Id. at 1.)

Before filing a § 3582(c)(1) motion with the sentencing court, the defendant must submit a request to the warden of his facility for the Bureau of Prisons to bring a motion on his behalf. 18 U.S.C. § 3582(c)(1)(A). After 30 days, if the defendant has not received a response to his request, he may then file a motion in the sentencing court. Id. Based on the evidence submitted by the government, defendant has not submitted a request for compassionate relief to the Warden of the Federal Prison Camp in Butner, North Carolina, where he is currently incarcerated.<sup>1</sup> (See Kelley Declr., DE # 89-1, ¶¶ 4, 6-7.) As such, defendant's motion is DENIED WITHOUT PREJUDICE to defendant refiling his motion after exhausting his administrative remedies.

This 1 September 2020.



W. Earl Britt  
Senior U.S. District Judge

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<sup>1</sup> In his unsworn motion, defendant claims, "I have filed with the Warden and I am waiting and have not received a response . . ." (DE # 79, at 1; see also Mem., DE # 88, at 2.) However, defendant has not come forward with any evidence or argument refuting the government's evidence.